

1:19MJ2276

AFFIDAVIT

I, Hans Wiedenhofer, a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Cleveland Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the ATF since May 2017, and am currently assigned to the ATF's Cleveland Group II. Prior to becoming a Special Agent with ATF, the Affiant was an Officer with the Pittsburgh Bureau of Police from March 2016 through April 2017. The Affiant has completed the Federal Criminal Investigator Training Program and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. The Affiant Has received numerous trainings in firearms, arson and explosives.
2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.
3. This affidavit is being submitted for the limited purpose of establishing probable cause that Marcus D. Goodman, has have violated Title 18, U.S.C. Section 922(g)(1) [Felon in Possession of a Firearm]. The statements contained in this affidavit are derived from information provided to me by members of the Cleveland Police Department (CPD) as well as my own investigation of this matter. This affidavit does not include every fact known to me regarding this investigation, but will seek to summarize relevant information.

Probable Cause

4. On November 23, 2019, CPD Officers Mileti and Zone had conducted a traffic stop of a maroon 2013 Chevrolet Malibu at the location of Sandusky Avenue, and East 95th Street. They were unable read the rear license plate due to lack of illumination. The vehicle also made a rapid and evasive turn onto Sandusky Avenue without activating its turn signal.
5. As the officers activated their overhead lights and sirens, the vehicle continued for some distance at a slow rate of speed but eventually stopped. Officers used their spotlight to illuminate the license plate.
6. Officer Mileti approached the driver side of the vehicle while Officer Zone approached on the passenger side. A female was in the front passenger seat and a male, later identified as Marcus D. Goodman was in the driver's seat.
7. Officer Mileti immediately detected a strong odor of burnt marijuana emanating from the vehicle. Officer Mileti asked the driver (Marcus D. Goodman) how he was doing and the driver responded "smoking weed" and handed the officer the marijuana cigar he was smoking (still burning at the time). The officer placed it on the roof of the vehicle.
8. Officer Zone looked into the vehicle from the passenger side and recognized the driver as Marcus D. Goodman from previous weapons violations in the past. Officer Zone also knew that Goodman had a warrant for his arrest and signaled the information to Officer Mileti.
9. Officer Mileti ordered Goodman out of the vehicle. Goodman hesitated and looked towards his gear shift. As the officer opened the driver door Goodman continued to

- turn his head towards the gear shift, then lunged his hand toward it in an attempt to put the vehicle in drive. Officer Mileti grabbed his arm attempting to remove him from the vehicle and was soon assisted by Officer Zone as both gave him loud verbal commands to exit. Both officers eventually succeeded in removing Goodman from the vehicle and placed him in handcuffs.
10. The officers asked him if there was anything illegal on his person and Goodman responded by saying “yeah why do you think I tried to run. I ain’t have no weed on me. I have my gun and my phone.”
 11. The officers searched the vehicle and recovered a silver handgun wedged between the driver seat and the center console with the barrel pointing towards the floor.
 12. The firearm was a Ruger, Model SR40, .40 caliber semi-automatic pistol, bearing serial number 342-76518 loaded with fourteen rounds in the magazine and one in the chamber.
 13. Marcus Goodman was previously convicted of drug trafficking on December 6, 2004, in case number CR-04-458395, in Cuyahoga County Common Pleas Court.
 14. Marcus Goodman was previously convicted of felon in possession of a firearm on October 28, 2013, in case number 1:13CR234 in Federal District Court, Northern District of Ohio.

Interstate Nexus Determination

15. Your affiant spoke to Special Agent Gerrod Briggs who is a qualified ATF Interstate Nexus Expert and On December 11, 2019, determined that the firearm (Ruger, Model SR40, .40 Caliber pistol bearing serial no. 342-76518 was manufactured in either

Connecticut or Arizona, thus having traveled in interstate commerce to be found in the State of Ohio.

Conclusion

16. Based on the preceding, there is probable cause to believe that Marcus D. Goodman has violated Title 18, U.S.C. § 922(g)(1) [Felon in Possession of a Firearm].



Hans Wiedenhofer, Special Agent ATF

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per Crim R. 41(d)(3), on December 12, 2019.



David A. Ruiz
United States Magistrate Judge